

REMARKS

This is in full and timely response to the non-final Office Action dated May 22, 2002 (Paper No. 05). Reexamination and reconsideration are respectfully requested.

Formal Claim to Priority

It is noted that the Official Action fails to acknowledge receipt of the claim for priority and the formal documents supporting that claim. Those papers were filed with the application on January 12, 2000.

Preliminary Amendment

The Official Action fails to acknowledge specifically the preliminary amendment to the specification as filed with the application on January 12, 2000. It is assumed that the specification is in good order for final printing.

Rejection of claims 1 to 23 as being unpatentable over Tsuboyama '639.

All of the claims as submitted were initially rejected as unpatentable over the patent to Tsuboyama '639. This rejection is respectfully traversed. Aspects of the rejection pertinent to both device and method claims are here first discussed, followed by a discussion of amendments to claim 1 distinguishing the device claims, and then followed by a discussion of the method claims. For common background, reference is made to the

Background of the Invention at pages 1 to 5 of the specification as filed.

Irrespective of the accuracy of the findings in the Official Action as to Tsuboyama, it is first noted that the Examiner has alleged that it "is common knowledge within the art that the orientation control layer can be formed from inorganic material as well as organic material". A reference or a citation to a persuasive authority, useful in combination with Tsuboyama to meet all of the limitations of the original and amended claims is specifically sought. This request is made in accordance with the MPEP.

Second, it also noted that Tsuboyama does not disclose a light shielding region. Claim 1 recites a first substrate 2 having one surface formed with a planarizing film 17, and a light-shielding region present between any adjacent ones of said plurality of pixels. See, for example, page 14, lines 15 to 19. Yet, the Examiner urges that light shielding layers were notoriously well known and obvious for the purpose of preventing light leaking in order to obtain good contrast. A reference in harmony with Tsuboyama is specifically requested to support this finding. Moreover, whether "light shielding layers" are known is not particularly relevant to whether the claimed light shielding region (a space between any adjacent ones of the claimed pixels) is known to the art, in the context of the claimed invention.

Claim 11 contains the specific step of forming a light shielding region between any adjacent ones of said plurality of pixels on said one surface of said first substrate. This step is

admittedly not shown by the cited reference. The Examiner only alleges that it would have been obvious, without support, to add a light shielding layer to the liquid crystal display device of Tsuboyama in order to achieve better contrast. In the absence of support for the findings related to the light shielding region, it is not seen to be relevant that a light shielding layer can be added to the embodiment of the Tsuboyama reference.

Accordingly, where all of the limitations of the claims are not found in the cited reference(s), a *prima facie* case of obviousness has not been made.

A fourth observation relating to all of the claims is that the Examiner has failed to clarify his use of Tsuboyama as to the limitations of the dependent claims. In explaining a rejection, "the examiner shall compare at least one of the rejected claims feature by features with the prior art relied on in the rejection. The comparison shall align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number and quotation from the prior art, as appropriate. MPEP, section 1208. This deficiency as to the dependent claims, and particularly to dependent claims 5, 7, 15, 16, 17 and 18, for example, fails to apprise the Applicant on how the reference is applied to these claims.

Amendment of the Apparatus Claims 1 to 11

Without waiver of any of the foregoing arguments and to advance the prosecution of this application, the apparatus claims are amended to further distinguish from the applied reference.

Specifically, claim 1 is amended to refer to the pixel electrode 19 located on the planarizing film 17 adjacent the liquid crystal layer 4, and the opposing electrode 21 on the planarizing film 17 opposite said pixel electrode. Comparable structure is not seen in the cited reference. Accordingly, for the additional reason, the amended claim 1 is not taught or suggested by the cited reference.

Such a structure has advantages, as discussed for example at page 36, only full paragraph, and in the paragraph spanning pages 36 and 37. Such projections 38 are formed by a TFT process simultaneously with the formation of the common electrode portion.

Thus, claims 1 to 11 are submitted to be allowable over the art of record.

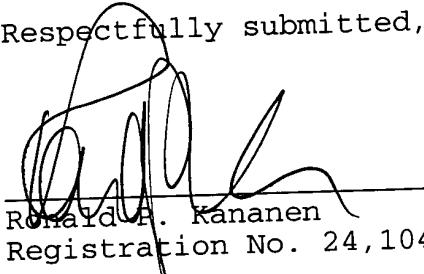
Method Claims

Again, the forgoing arguments are no waived with the amendment to the independent method claim 11. Specifically, the step of forming a light shielding region is not met by the cited reference. In addition, somewhat similar to the arguments relating to amended claim 1, claim 10 is amended to recite a step of forming a pixel electrode on a surface of the planarizing film. Claims 15 and 16 are amended to be consistent with the amendment to claim 11, and the features there recited are not found in the cited reference. Note also that the steps of claim 18 are not specifically addressed by the rejection in the initial action.

Conclusion

For the foregoing reasons, amended claims 1 to 23 are allowable over the art of record and early notice to that effect is solicited.

Respectfully submitted,

  
Ronald M. Rananen  
Registration No. 24,104

DATE: August 20, 2002

**RADER, FISHMAN & GRAUER, PLLC**  
Lion Building  
1233 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036  
Tel: (202) 955-3750  
Fax: (202) 955-3751  
Customer No. 23353